

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JARED EDWARDS,

KEENEN IVORY WAYANS, SHAWN
WAYANS, MARLON WAYANS, WAYANS
BROTHERS PRODUCTIONS, and ST.
MARTIN'S PRESS, INC.,

Plaintiff, : No. 09 Civ. 10263 (CM)

- against -

**DECLARATION OF
SHAWN WAYANS**

Defendants.

I, SHAWN WAYANS, declare as follows:

1. I am a named individual defendant herein and a principal in Wayans Bros.

Productions ("Wayans Bros.") (erroneously sued as Wayans Brothers Productions) and am competent to testify based upon firsthand knowledge of the matters set forth herein. A copy of the Complaint, the Answer of Defendants Keenen Ivory Wayans, Shawn Wayans, Marlon Wayans, and Wayans Brothers Productions (herein "Wayans Defendants") and the answer for St. Martin's Press, Inc [now known as SMP (1952), Inc.] (herein "SMP") are annexed hereto as Exhibits 1-3 respectively. There have been no other proceedings in this Action to date.

2. I submit this declaration in support of Defendants' motion to transfer this action to the Central District of California and in my role as author and a creator of the series of books entitled "101 Ways to Know..." and the book at issue "101 Ways to Know.... You're a Golddigger" (herein referred to as "Golddigger") and as former employer of Plaintiff.

3. I am familiar with Plaintiff's work and his job functions while working in California for Wayans Defendants and related companies.

4. While originally from New York City, I have resided and worked in the Los Angeles, California area since 1989.

5. My brothers, named defendants Keenen Ivory Wayans and Marlon Wayans and I (“Wayans Brothers” herein) work as a team in the entertainment industry collaborating on television, film and writing projects. I am a director, actor, comedian, writer and producer.

6. Wayans Bros. is a film production company, of which Keenen, Marlon and I are the principals and equal shareholders. It is a California corporation with a principal place of business in Los Angeles, California. The individual defendants Keenen Ivory Wayans, Shawn Wayans, Marlon Wayans and corporate defendant Wayans Bros. are referred to herein together as “Wayans Defendants”.

7. Approximately 15 years ago, I wrote the best selling book “150 Ways to Tell If You’re Ghetto” (herein “150 Ways”) in collaboration with two other writer/comedians. This book was a satire of life in the ghetto as a collection of one-liners or short jokes with matching illustrations. The book was published in 1997. The front cover, cover page, copyright page and selected text with illustrations, are attached herein. See Exhibit 4, 150 Ways To Tell if You’re Ghetto, front cover, cover page, copyright page, text and illustration pages pp. 6-7, 28-29 and 47-49.

8. While shooting the movie “White Chicks” in 2003, my brother, Marlon and I developed the idea to do a series of joke books entitled “101 Ways to Know...”, which grew out of the “150 Ways” concept.

9. My brother and I developed the idea of a series of many illustrated one-line joke books on a myriad of topics worth spoofing. The "101 Ways to Know..." series was to be

structured with the same one-liner or short joke style, accompanied by outrageous, comic illustrations, in a form similar to my prior "150 Ways" book.

10. In February of 2004 after shooting the motion picture "White Chicks", Marlon and I returned to our newly opened offices for Wayans Bros. in Los Angeles to work on several projects. At that time, we began to put together a strategy to pitch the "101 Ways to Know..." series to a publisher.

11. Ultimately the three "101 Ways to Know..." titles that were chosen to be published first were: "101 Ways to Know...You're a Golddigger," "101 Ways to Know...It's Time To Leave Your Momma's House", and "101 Ways to Know...You're Having a Ghetto Christmas".

12. In February of 2004, Plaintiff Jared Edwards ("Edwards") was hired to work in Los Angeles, California as an employee of Defendant Wayans Bros. Among his responsibilities, Edwards was assigned to work on the "101 Ways to Know..." series as a writer, writing jokes.

13. Prior to February of 2004, Edwards had not worked on any Wayans Brothers' projects for approximately a year.

14. Edwards had previously worked as a production assistant on different Wayans Brothers' projects on and off for a number of years on various films and television projects.

15. During the time Edwards was employed from February 2004 through September of 2006, Edwards was assigned to create or "punch up" and revise jokes on the "101 Ways to Know..." series, including specifically the "Golddigger" by Wayans Bros. Productions. Edwards, for example, also worked on "punching up" or revising the script for the movie "Little Man", a movie directed by my brother Keenen, featuring my brother Marlon and myself.

16. Additionally, Edwards worked on jokes for my comedy routine and from time to time would travel with me in connection with these responsibilities.

17. Edwards was terminated in October of 2006.

18. Therefore, any work that Edwards prepared on the "101 Ways to Know..." Series, and specifically "Golddigger", was prepared within the scope of his employment, as a W-2 employee in which taxes were withheld from his wages.

19. The development, writing and creation of "101 Ways to Know..." Series, including "Golddigger" was conducted with our staff in the Wayans Bros. Productions offices in Los Angeles, California.

20. One of the methods in which projects, such as the "101 Ways to Know..." series and Golddigger specifically, was and are developed in the Wayans Bros. office is via an open office set up that facilitates collaboration and a collective brainstorming process among our employees. Therefore, many different employees contributed to the "101 Ways to Know..." series.

21. The following individuals, who are currently employed by Wayans Defendant or entities under the control of Wayans, Defendants reside in Los Angeles County are likely to be witnesses as they have information relevant to the action:

(a) Shane Miller began work with the Wayans Defendants in May of 2005 and held the same position as Plaintiff. Mr. Miller worked with Plaintiff Edwards on the "101 Ways to Know..." series and Golddigger specifically. He has knowledge regarding the allegations made by Plaintiff in his Complaint, the creation of Golddigger and Plaintiff's employment. Mr. Miller resides in North Hollywood, Los Angeles County, California.

(b) Le Cooper, my personal assistant since July 2001, has knowledge regarding the allegations made by Plaintiff in his Complaint, the creation of the "101 Ways to Know..." Series and Golddigger and Plaintiff's employment. Ms. Cooper resides in Los Angeles, California.

(c) Frederick Alvarez, a Wayans Brothers producing partner for the last eleven years, has knowledge of the development of the "101 Ways to Know..." series and Golddigger and worked as a liaison with the publisher in New York. He has knowledge regarding the allegations made by the Plaintiff in his Complaint. Mr. Alvarez resides in Los Angeles, California.

(d) Michael Tiddes is currently creative executive of Wayans Bros. and was formerly the assistant of Frederick Alvarez during the time period Plaintiff worked for Wayans Bros. Mr. Tiddes has knowledge regarding the allegations made by Plaintiff in his Complaint and Plaintiff's employment. Mr. Tiddes shared an office space with Plaintiff while he was employed by Defendant Wayans Bros. and contributed to the "101 Ways to Know..." Series. Mr. Tiddes resides in Los Angeles, California.

(e) Hayachira Maturel-Mendez, currently personal assistant to Marlon Wayans, is an employee who assisted with overseeing the writing and illustrations created for the "101 Ways to Know..." series project. Ms. Maturel-Mendez has worked with the Wayans Defendants in different capacities since October of 2004 and has knowledge regarding the creation of 101 Ways Series and the Plaintiff's employment by Defendant Wayans Bros. Ms. Maturel-Mendez lives in Los Angeles, California.

(f) Darren Huang is an artist employee working in the Wayans Bros. offices since March of 2004 who worked on illustrations for the "101 Ways to Know..." Series.

Mr. Huang has knowledge of Plaintiff's allegations including the creation and development of the "101 Ways to Know..." Series project. Mr. Huang lives in Pasadena, California in Los Angeles County, California.

(g) Eric Willis is an employee of Wayans Defendants from August 2005 to present that works in the Wayans Bros. offices. Mr. Willis lives in Los Angeles County, California.

22. It is believed that the following persons not employed by myself, other Wayans Defendants or Wayans Defendants controlled entities have knowledge regarding the allegation and could provide evidence at the trial of this action, but all such persons may have to be subpoenaed to appear at deposition and/or trial:

(a) Leroy Casey, a former employee of the Wayans Defendants, worked with them from March of 2003 through September of 2008. Mr. Casey is a songwriter that also helped out with script and joke writing. Mr. Casey worked out of the Wayans Bros. offices during the time period Plaintiff was employed and has knowledge of the development of "101 Ways to Know..." series and the Golddigger book. He also has knowledge regarding Plaintiff's employment.

(b) Bruce Fine is a comedian and writer who worked out of Defendant Wayans Bros. Productions offices from time to time and contributed to the "101 Ways to Know..." Series. He lives in Burbank, California, Los Angeles County.

23. All of the Wayans Defendants' records and documents, including those records and documents relevant to the allegations made by Plaintiff in this action regarding creation and development of the "101 Ways to Know..." Series and Golddigger are located in Los Angeles, California at the Wayans Bros. Productions offices.

24. My brothers and I pitched the "101 Ways to Know..." series to the publisher. In 2005, we entered into a contract for three books which were to be the launch of the series, with the plan that additional books would follow.

25. I personally reside in Los Angeles, California.

26. I am registered to vote in Los Angeles, California.

27. I have a California driver's license with a Los Angeles, California address.

28. My children attend school in Los Angeles County, California.

29. Neither myself nor Wayans Bros. maintain any assets in New York.

30. Neither Wayans Bros. nor I maintain any bank accounts in New York.

31. Neither Wayans Bros. nor I own, maintain or possess any real property in New York.

32. Neither Wayans Bros. nor I maintain employees, office space or a telephone in New York.

33. Defendant SMP has joined this motion to transfer the action to the Central District of California and has agreed to produce any necessary witnesses at trial in California.

I declare under the penalty of perjury under the laws of the United States that the foregoing statements are true and correct and that this declaration was executed on March 10, 2010 at Los Angeles, California.



The image shows a handwritten signature in black ink. The signature is fluid and cursive, appearing to read "Shawn Wayans". Below the signature, the name "Shawn Wayans" is printed in a smaller, more formal font.